

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/513,961

Confirmation No. 4710

Applicant: Boyd et al.

Filed: December 20, 2004

TC/AU: 1648

Examiner: Zachariah Lucas

Docket No.: 231119 (Client Reference No. E-017-2002/0-US-06)

Customer No.: 45733

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner initial the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
 - the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

— *or* —

- the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below). NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- For each reference not in the English language, attached is an English translation, a concise explanation of relevance, an English-language equivalent/patent, an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office pursuant to 37 CFR 1.98(a)(3).

A copy of European Patent Application No. 03753112.6 Supplementary European Search Report is enclosed herewith.

The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

No fee is owed by the applicant(s).

Charge Deposit Account No. 12-1216 in the amount of **\$180.00** (37 CFR 1.17(p)).
(A duplicate copy of this communication is enclosed for that purpose, unless submitted via EFS-Web.)

Authorization to Charge Additional Fees

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Please type a plus sign (+) inside this box → +

Substitute for form 1449A/B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/513,961
				Filing Date	December 20, 2004
				First Named Inventor	Boyd et al.
				Group Art Unit	1648
				Examiner Name	Zachariah Lucas
(Use as many sheets as necessary)					
Sheet	1	of	1	Attorney Docket Number	

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No ⁺⁺
	E B	BOKESCH et al., <i>Biochemistry</i> , 42:2578-2584 (2003)		
	E C	GUSTAFSON et al., <i>Biochemical and Biophysical Research Communications</i> , 238(No. 1):223-228 (1997)		

Examiner Signature _____ Date Considered _____

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).



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Reference EP32703FZ900dfi	Application No./Patent No. 03753112.6 - 1222 PCT/US0315991
Applicant/Proprietor THE GOVERNMENT OF THE UNITED STATES OF AMERICA, as represented by THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES	

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the supplementary European search report under Article 157(2)(a) EPC for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

Refund of the search fee

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT											
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)								
P, X✓ (1)	<p>BOKESCH H R ET AL: "A potent novel anti-HIV protein from the cultured cyanobacterium <i>Scytonema varium</i>"</p> <p>BIOCHEMISTRY, AMERICAN CHEMICAL SOCIETY, EASTON, PA, US, vol. 42, no. 9, 11 March 2003 (2003-03-11), pages 2578-2584, XP002291497</p> <p>ISSN: 0006-2960</p> <p>* the whole document *</p> <p>-----</p>	1-51	INV. A61K38/16 C07K14/195 A61K39/00								
A ✓ (2)	<p>GUSTAFSON K R ET AL: "ISOLATION, PRIMARY SEQUENCE DETERMINATION AND DISULFIDE BOND STRUCTURE OF CYANOVIRIN-N, AN ANTI-HIV(HUMAN IMMUNODEFICIENCY VIRUS) PROTEIN FROM THE CYANOBACTERIUM <i>NOSTOC ELLIPSOSPORUM</i>"</p> <p>BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, ACADEMIC PRESS INC, ORLANDO, FL, US, vol. 238, no. 1, 1997, pages 223-228, XP002952536</p> <p>ISSN: 0006-291X</p> <p>* abstract *</p> <p>-----</p>	1-51	TECHNICAL FIELDS SEARCHED (IPC)								
			C07K C12N								
2	<p>The supplementary search report has been based on the last set of claims valid and available at the start of the search.</p>										
<table border="1"> <tr> <td>Place of search</td> <td>Date of completion of the search</td> <td>Examiner</td> <td></td> </tr> <tr> <td>The Hague</td> <td>15 May 2007</td> <td>Mata Vicente, Teresa</td> <td></td> </tr> </table>				Place of search	Date of completion of the search	Examiner		The Hague	15 May 2007	Mata Vicente, Teresa	
Place of search	Date of completion of the search	Examiner									
The Hague	15 May 2007	Mata Vicente, Teresa									
<p>CATEGORY OF CITED DOCUMENTS</p> <p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document</p>											

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